



PATENT
Attorney Docket No.: 23615/9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David Anafi et al. EXAMINER: Not Yet Assigned
SERIAL NO.: 10/632,547 GROUP ART UNIT: 2877
FILED: August 1, 2003 CONFIRMATION NO.: 2684
FOR: *OPTICAL MEMBRANE FORMATION SYSTEM AND METHOD*

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:	
By: <u>Elaine E. Fabrizio</u>	Date: <u>5-3-04</u>

MAIL STOP MISSING PARTS
Commissioner for Patents
Alexandria VA 22313-1450

PETITION UNDER RULE 37 CFR 1.47(a)

Dear Sir:

The below signed attorney for the applicant hereby sets forth the following facts to support the filing of the above-identified application without the signature of one of the inventors on the Combined Declaration and Power of Attorney ("the Declaration"), attached as Exhibit A hereto. This petition is being submitted together with a response to Notice of Missing Parts dated November 3, 2003, filed herewith.

To the best of my information and belief of the pertinent facts, one of the co-inventors, Dr. Glen Ramsay, cannot be reached to sign the Declaration. The other co-inventor, David Anafi, has signed the Declaration being filed herewith.

On information and belief, the following are the pertinent facts (listed as 1 through 4):

1. My firm represents Proterion Corporation ("Proterion"), who is the assignee named in the above-identified application. Proterion informed me that Proterion has made diligent efforts to

contact Dr. Ramsay at his last known address which is 1500 August Drive, Lakewood, NJ 08701.

3. Such diligent efforts to reach Dr. Ramsay have included numerous phone calls and emails requesting that Dr. Ramsay sign the Declaration. Notwithstanding said efforts to reach him, Dr. Ramsay has failed to respond to all said requests to sign said Declaration.

4. It is asserted that the filing of the above-identified patent application is necessary to preserve the rights of Proterion. It is further asserted that Proterion will be irreparably damaged by the loss of benefit of the application due to Dr. Ramsay's failure to sign the Declaration. Due to the expiration of the statutory period of pendency of the above-referenced application, May 3, 2004 (the last day to respond to the Notice to File Missing Parts), the above-referenced application protecting Proterion's valuable technology which is the claimed subject matter of said application is at risk of going abandoned.

If any additional information is required in connection with this petition, please contact the undersigned. Please charge the fee of \$130.00 under 37 CFR 1.17(h) due with this petition to our deposit account 500369.

Respectfully submitted by:



Brian L. Michaelis, Esq.

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